



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/694,741

10/29/2003

Yutaka Yamana

H9876.0054/P054-A

5402

24998 7590 03/13/2007
DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

EXAMINER

THOMASSON, MEAGAN J

ART UNIT

PAPER NUMBER

3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
--	-----------	---------------

3 MONTHS

03/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/694,741

Applicant(s)

YAMANA ET AL.

Examiner

Meagan Thomasson

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-12 and 17-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-16, 25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The examiner acknowledges the amendments made to claims 13 and 16. Claims 1-12 and 17-24 have been canceled, and claims 25 and 26 have been added.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Pedersen (US 5,862,348).

Pedersen discloses the following:

Claim 13, a network server connected to at least one client through a network, comprising:

a main server (master network information server, col. 2:63-64) for accepting an initial connection request from said client (col. 3:14-23); and

a plurality of sub-servers connected to said client after acceptance by said main server (26, 26' in Fig 1),

wherein said main server provides to said client information relating the sub-servers on acceptance of an initial connection request from said client (col. 3:17-22);

said client is connected with one sub-server based on said information relating to the sub-servers (col. 3:17-22);

said one sub-server provides directly to said client said information relating to the sub-servers on acceptance of a sub-server connection alteration request from said client [Sub-server may also serve as an information server node, col. 2:64-66.

Furthermore all of the sub-servers provide to the client, information relating to the sub-servers on acceptance of a sub-server connection alteration request from the client (depending on the current client's application, the sub-server provide connection request through the master network information server node; col. 3:5-22)]; and

said client connects to another sub-server based on said information relating to the sub-servers (col. 3:17-22).

Claim 14, memory that stores the conditions of said plurality of sub-servers, wherein said main server and said plurality of sub-servers acquire information relating to the sub-servers by accessing said memory (master network information server node inherently has a memory that stores the condition of the plurality of sub-servers; col. 3:5-7, 3:10-13).

Claim 15, each of sub-servers writes its own information to said memory (col. 3:7-10).

Claim 16, a network system comprising: at least one client (col. 3:14); and a network server including a main server (master network information server, col. 2:63-64) that accepts an initial connection request from said client and a plurality of

Art Unit: 3714

sub-servers connected to said client after acceptance by said main server (col. 3:14-22),

wherein said main server provides to said client information relating the sub-servers on acceptance of an initial connection request from said client (col. 3:14-22);

said client is connected with one sub-server based on said information relating to the sub-servers (col. 3:14-22);

said one sub-server provides directly to said client said information relating to the sub-servers on acceptance of a sub-server connection alteration request from said client [Sub-server may also serve as an information server node, col. 2:64-66.

Furthermore all of the sub-servers provide to the client, information relating to the sub-servers on acceptance of a sub-server connection alteration request from the client (depending on the current client's application, the sub-server provide connection request through the master network information server node; col. 3:5-22)]; and

said client connects to another sub-server based on said information relating to the sub-servers (col. 3:14-22).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3714

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pedersen (US 5,862,348) in view of Lee (US 6,475,089).

Pederson discloses a method of connecting a client node to a server node as disclosed in the above rejection. Pederson does not disclose that the client is a game apparatus with which a plurality of controllers for inputting a signal corresponding to operations of players can be connected in case that a network game is played between a plurality of game apparatuses via the network server, wherein the game apparatus determines a number of players who participate on the network game by the player's operation of the controller, the game apparatus sends information of the number of the players to the sub-server connected with the game apparatus, the information of the number of the players is stored in the sub-server connected with the game apparatus. However, Lee discloses a networked gaming system comprising a plurality of client gaming apparatuses with a plurality of controllers (Fig. 3), wherein upon a player making a request to join a game, the game device is connected with the host server and opponent information is obtained. A connection is established between two client

Art Unit: 3714

devices and communication with the host sever is terminated, allowing the two gaming apparatuses to communicate directly (abstract). Lee does not specifically disclose that the opponent information obtained includes the number of players, however, Pedersen does disclose that all sub-servers transmit information regarding the number of users to the master server (col. 5, line 55-col. 6, line 1), wherein the information is then stored (col. 6, lines 67-69).

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method for connecting a client node to a server node of Pedersen to the gaming network of Lee in order to provide a faster connection for a gaming network user, enabling users to communicate directly and at faster speeds. Additionally, the inventions disclosed by Pedersen and Lee are analogous in that they are both directed towards providing communication between a plurality of users by way of client terminals and multiple servers.

Response to Arguments

Applicant's arguments filed October 19, 2006 have been fully considered but they are not persuasive.

Specifically, applicant argues that Pedersen fails to disclose, teach or suggest that "one sub-server provides directly to said client said information relating to the sub-servers on acceptance of a sub-server connection alteration request from said client". While Pedersen does disclose that all client requests for server information are directed to the master network information server, Pedersen also discloses a scenario wherein

Art Unit: 3714

the sub-server that a user is connected to may become the master network information server by an election process (col. 4, lines 20-54). If this were to transition of master network information server status were to occur, all client requests would in fact be directed to the sub-server that they are currently connected to. Thus, Pedersen does in fact disclose a scenario wherein one sub-server provides directly to said client said information relating to the sub-servers on acceptance of a sub-server connection alteration request from said client.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

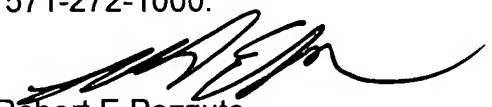
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3714

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan Thomasson whose telephone number is (571) 272-2080. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert E Pezzuto
Supervisory Patent Examiner
Art Unit 3714

Meagan Thomasson
March 10, 2007